

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday February 9, 2018

9:00 a.m.

Commission Chambers

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*MINUTES*

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW**  
**COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

**A. MINUTES:**

- The drafted Minutes of the Special Appeal Meetings of January 12, 2018 and January 25, 2018, will be considered for approval.

Commissioner Liotta presented the minutes of the January 12, 2018 and January 25, 2018 Meetings for approval.

**Motion:** Commissioner Tilly made a motion to approve the minutes of the January 12, 2018 and January 25, 2018 Meetings.

**Second:** Commissioner Russell

**Those Voting Aye:** Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**Scott Richard Stropes v. Iowa Tribe of Oklahoma & Hudson Insurance Co. (Tribes Only) File # CM2015-01753R**

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Brad Wicker represented the Claimant. Jay L. Jones represented the Respondent.

**Motion:**

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Melvin Tannehill v. Davis Sanitation Inc. & Great American Security Insurance Company File # CM2016-01550L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Lewis Berkowitz represented the Claimant and Pete Mills represented the Respondent.

**Motion:**

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Venita L. Mukes v. Church's Chicken & New York Marine & General Insurance Co., File #CM2016-03369A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Herbert E. Elias Jr. represented the Claimant and Heather A. Lehman Fagan represented Respondent.

**Motion:**

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take this matter under advisement.

**Second:** Commissioner Tilly

**Those Voting Aye:** Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**Katie L. McGaha v. Buffalo Wild Wings & Stonetrust Commercial Insurance Co., File #CM2016-07807Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Jack Stipe is the attorney of record for the Claimant and Jeffrey W. Dasovich is the attorney of record for Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell

**Those Voting Aye:** Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Maria Contreras v. Johnson Controls Inc., & Indemnity Insurance Co. of North America, File #CM2016-02636A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Dale R. Kimsey represented the Respondent.

***Motion:***

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved take the case under advisement.

**Second:** Commissioner Tilly

**Those Voting Aye:** Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**Michael Bonin v. Tulsa County Sheriff's Department (Own Risk #11247), File #CM2017-00682A**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Michael Green represented the Claimant and R. Jay McAtee represented the Respondent.

***Motion:***

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell

**Those Voting Aye:** Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Dillon S. Rose v. Berry Plastics Corp., & Safety National Casualty Corp., File #CM2017-02339H**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Kathryn Black represented the Claimant and Lee Endicott represented the Respondent.

***Motion:***

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

***Second:*** Commissioner Tilly

***Those Voting Aye:*** Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER REVERSED**

**Richey C. Gowens v. McAlester Regional Health Center (Own Risk) File #CM2016-05003K**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Bret A. Unterschuetz represented the Claimant and Gregg G. Fuller represented for Respondent.

***Motion:*** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved take the case under advisement.

***Second:*** Commissioner Russell

***Those Voting Aye:*** Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**C. Commission Consideration of Adoption of Final Order in the Following Case:**

**Danny Lane v. Home Improvements of Stillwater & CompSource Mutual Ins. Co., File #CM2015-01695X**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis is represented the Claimant and Jacob Jean represented the Respondent.

This case came on for Oral Argument on January 12, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement.

**Motion:** Commissioner Russell moved to adopt the proposed order as written.

**Second:** Commissioner Tilly

**Those Voting Aye:** Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

**D. Announcements**

Commission's next special business meeting is Thursday, February 20, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, March 16, 2018.

**ADJOURNMENT**

**Motion:** Commissioner Tilly moved to adjourn the meeting at approximately 3:36 p.m.

**Second:** Commissioner Russell

**Those Voting Aye:** Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**